

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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**THIRTY-EIGHTH LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 17, 2016**

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Hagedorn, Lakey and Lodge absent and formally excused by the Chair.

Prayer was offered by Senator Mortimer.

The Pledge of Allegiance was led by Marshall Toryanski, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 16, 2016, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 16, 2016

The JUDICIARY AND RULES Committee reports that [S 1206](#), [S 1207](#), [S 1197](#), [S 1216](#), [S 1217](#), [S 1210](#), [S 1233](#), [S 1215](#), [S 1213](#), and [SCR 133](#) have been correctly enrolled.

LODGE, Chairman

The President signed Enrolled [S 1206](#), [S 1207](#), [S 1197](#), [S 1216](#), [S 1217](#), [S 1210](#), [S 1233](#), [S 1215](#), [S 1213](#), and [SCR 133](#) and ordered them transmitted to the House for the signature of the Speaker.

February 16, 2016

The TRANSPORTATION Committee reports out [S 1283](#) with the recommendation that it do pass.

BRACKETT, Chairman

[S 1283](#) was filed for second reading.

February 16, 2016

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1221](#), [S 1286](#), and [S 1287](#) with the recommendation that they do pass.

PATRICK, Chairman

[S 1221](#), [S 1286](#), and [S 1287](#) were filed for second reading.

February 16, 2016

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1285](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

PATRICK, Chairman

There being no objection, [S 1285](#) was referred to the Fourteenth Order of Business, General Calendar.

February 16, 2016

The HEALTH AND WELFARE Committee reports out [H 335](#), [H 336](#), [H 337](#), [H 338](#), [H 339](#), and [H 340](#) with the recommendation that they do pass.

HEIDER, Chairman

[H 335](#), [H 336](#), [H 337](#), [H 338](#), [H 339](#), and [H 340](#) were filed for second reading.

February 16, 2016

The EDUCATION Committee reports out [H 391](#), [H 392](#), [S 1279](#), and [S 1290](#) with the recommendation that they do pass.

MORTIMER, Chairman

[H 391](#), [H 392](#), [S 1279](#), and [S 1290](#) were filed for second reading.

February 16, 2016

The EDUCATION Committee reports out [S 1280](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MORTIMER, Chairman

There being no objection, [S 1280](#) was referred to the Fourteenth Order of Business, General Calendar.

February 17, 2016

The STATE AFFAIRS Committee reports out [S 1218](#) and [S 1298](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[S 1218](#) and [S 1298](#) were filed for second reading.

February 17, 2016

The STATE AFFAIRS Committee reports out [S 1297](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [S 1297](#) was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

**Messages from the House**

February 16, 2016

Dear Mr. President:

I transmit herewith [HCR 42](#), which has passed the House.

ALEXANDER, Chief Clerk

[HCR 42](#) was filed for first reading.

February 16, 2016

Dear Mr. President:

I return herewith [SCR 132](#), which has passed the House.

ALEXANDER, Chief Clerk

[SCR 132](#) was referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

On request by Senator Davis, granted by unanimous consent, the committee report of the Gubernatorial reappointment confirmation of Joe B. McNeal retained its place on the calendar for one legislative day.

On request by Senator Davis, granted by unanimous consent, the committee report of the Gubernatorial appointment confirmation of William Dale Crawford retained its place on the calendar for one legislative day.

The President Pro Tempore announced that the State Affairs Committee report relative to the Gubernatorial reappointment of Kevin Coyne Settles was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Buckner-Webb, seconded by Senator Stennett, the Gubernatorial reappointment of Kevin Coyne Settles as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the State Affairs Committee report relative to the Gubernatorial reappointment of Rayelle Anderson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Vick, seconded by Senator Lacey, the Gubernatorial reappointment of Rayelle Anderson as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Agricultural Affairs Committee report relative to the Gubernatorial appointment of Glen R. Gier was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Patrick, seconded by Senator Burgoyne, the Gubernatorial appointment of Glen R.

Gier as a member of the State Soil and Water Conservation Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Erwin L. Sonnenberg was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jordan, seconded by Senator Souza, the Gubernatorial appointment of Erwin L. Sonnenberg as a member of the Sexual Offender Management Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senator Lodge was recorded present at this order of business.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial reappointment of Jeffrey Betts was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Davis, seconded by Senator Stennett, the Gubernatorial reappointment of Jeffrey Betts as a member of the Sexual Offender Management Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Matthew Allen Thomas was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lee, seconded by Senator Burgoyne, the Gubernatorial appointment of Matthew Allen Thomas as a member of the Sexual Offender Management Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial reappointment of Michael David Johnston was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Souza, seconded by Senator Jordan, the Gubernatorial reappointment of Michael David Johnston as a member of the Sexual Offender Management Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Moira A. Lynch was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Burgoyne, seconded by Senator Lee, the Gubernatorial appointment of Moira A. Lynch as a member of the Sexual Offender Management Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial reappointment of Mike H. Matthews was before the Senate for final consideration, the question being, "Shall the report be adopted?"

Pursuant to Senate Rule 39(H), Senator McKenzie disclosed a possible conflict of interest under applicable law.

On motion by Senator Anthon, seconded by Senator Burgoyne, the Gubernatorial reappointment of Mike H. Matthews as a member of the Commission on Pardons and Parole was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Peter J. Black was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lacey, seconded by Senator Guthrie, the Gubernatorial appointment of Peter J. Black as a member of the Parks and Recreation Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that [SJM 104](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Heider, seconded by Senator Stennett, [SJM 104](#) was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President Pro Tempore announced that [SCR 139](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Thayn, seconded by Senator Buckner-Webb, [SCR 139](#) was adopted by voice vote,

title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that [SCR 140](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Thayn, seconded by Senator Ward-Engelking, [SCR 140](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that [SCR 141](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Thayn, seconded by Senator Ward-Engelking, [SCR 141](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

#### **S 1342**

#### **BY STATE AFFAIRS COMMITTEE**

#### **AN ACT**

RELATING TO PUBLIC SCHOOL INSTRUCTION; REPEALING SECTION 33-1604, IDAHO CODE, RELATING TO BIBLE READING IN THE PUBLIC SCHOOLS; AND AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1604, IDAHO CODE, TO PROVIDE WHEN THE BIBLE IS PERMITTED TO BE USED IN THE PUBLIC SCHOOLS, WITH EXCEPTIONS.

[S 1342](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[HCR 42](#), by Education Committee, was introduced, read at length, and referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

### **Third Reading of Bills**

On request by Senator Davis, granted by unanimous consent, [H 446](#) was placed at the head of the Third Reading Calendar, followed by remaining bills.

[H 446](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Buckner-Webb, Burgoyne, Davis, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Patrick, Rice, Schmidt, Siddoway, Stennett, Thayn, Ward-Engelking, Winder. Total - 28.

NAYS—Den Hartog, Nuxoll, Souza, Vick. Total - 4.

Absent and excused—Brackett, Hagedorn, Lakey. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [H 446](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Thursday, February 18, 2016.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary